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JUL 18 2006

In re Application of:  
TAN et al.  
Serial No.: 10/685,451  
Filed: October 16, 2003  
Attorney Docket No.: OP-092000246

DECISION ON PETITION  
TO WITHDRAW HOLDING  
OF ABANDONMENT

This is a decision on the petition filed on January 03, 2005. The petition has been treated as a petition under 37 C.F.R. § 1.181, to withdraw the holding of abandonment of the above-identified application. No fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the Office action mailed on April 22, 2004. A Notice of Abandonment was mailed on November 01, 2004.

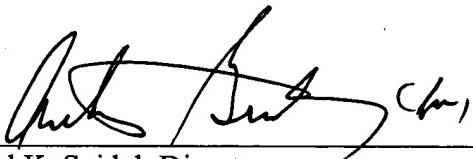
Petitioner asserts that a response was timely filed by facsimile transmission on July 20, 2004. To support this assertion, petitioner has submitted 1) a copy of the response including an amendment, 2) a copy of a certificate under 37 C.F.R. § 1.8(a) showing a date of transmission on July 20, 2004, and 3) a copy of the auto-reply facsimile transmission from the USPTO confirming successful transmission of the response.

A review of the application file reveals that petitioner provided the incorrect Serial No. "10/865,451" on both the facsimile cover sheet. However, a minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. M.P.E.P. § 502. In this instance, the attorney docket number and title should have resulted in the response being correctly matched with the application. Petitioner should make special note to provide the correct serial number on future correspondence. The response filed originally on July 20, 2004, has been located and placed in the application file.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner of record for consideration of the response and prompt appropriate action.

Inquiries regarding this decision should be directed to Clayton E. LaBalle, Special Programs Examiner, at (571) 272-1594.



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